

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JIM MOCK, *et al.*

Plaintiffs,

v.

CHANDELEUR HOMES, INC., *et al.*

Defendants.

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Case Number: 2:06-cv-00395-MHT

RESPONSE TO MOTION FOR LEAVE TO AMEND

COMES NOW, Champion Homes of Boaz, Inc., formerly known as Chandeaur Homes, Inc., without waiving arbitration, and in response to the Motion for Leave to Amend states as follows:

1. In accordance with the Agreement to Arbitrate dated the 27th day of July, 2006 complainants were given 30 days from the date of the Agreement within which to amend the complaint.

2. It was anticipated that the amendment to the complaint would be made within the arbitration proceedings, as opposed to being made in the Federal Court.

3. It is respectfully submitted it is improper to amend the complaint in Federal Court after having agreed to submit claims to arbitration and agreed to stay all issues with regard to alter ego claims against Champion Enterprises, Inc.

WHEREFORE PREMISES CONSIDERED, it is believed that the Motion for Leave to Amend is unnecessary or alternatively, moot, since claims against Chandeaur have been compelled to arbitration pursuant to an agreement between the parties. Chandeaur prays for such other, further and different relief as may be just.

Respectfully submitted,

RITCHEY & RITCHEY, P.A.

Gregory S. Ritchey, Esquire (ASB-8193-M68G)
Richard S. Walker, Esquire (ASB-8719-L70R)
Counsel for Champion Homes of Boaz, Inc.,
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OF COUNSEL:

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a copy of the foregoing has been served upon the following:

Jere L. Beasley, Esquire

W. Daniel Miles, III, Esquire

C. Gibson Vance, Esquire

BEASLEY, ALLEN, CROW,

METHVIN, PORTIS & MILES, P.C.

Post Office Box 4160

Montgomery, AL 36103

by placing a copy of same in the United States Mail, postage prepaid, on this the 1 day of

September, 2006

OF COUNSEL